THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE DR.JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1336 OF 2000.

Between

A.Anjayya

…Appellant

And

1.Hyderabad Metropolitan Water Works
and Severage Board, rep. By its Managing
Director, Khairatabad, Hyderabad and another.

….Respondents

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides.

The appellant herein who claims compassionate appointment filed this appeal as against the order dismissing the writ petition whereunder the very same claim for such compassionate appointment was sought to be rejected.

The case of the appellant-petitioner in brief is that his elder brother who worked

with the respondents herein died on 01-02-1977 unmarried and therefore, his case should have been considered for compassionate appointment.

In support of his contention, reliance was sought to be placed in G.O.Ms.No.687, dated 03-10-1977 which has been subsequently modified by G.O.Ms.No.612, dated 30-10-1991. On considering the various pleas raised by the petitioner, the learned single Judge did not accede to the same especially relying on the principles as relied on by the Apex Court in ***Haryana State Electricity Board V Hakim Singh*** on the ground that the claim of the appellant goes far beyond the scope of the scheme as such.

Having considered the submissions made and on perusal of the record, it is seen that admittedly as on the date of the death of the elder brother of the appellant i.e., on
01-02-1977, there was no scheme at all in regard to compassionate appointment and the only scheme which was introduced under G.O.Ms.No.687 is dated 03-10-1977 and which has been subsequently modified in G.O.Ms.No.612, dated 30-10-1991 whereunder the brother of the appellant was also one of the person who is entitled for consideration of appointment in the event of death of an employee without marriage. Having regard to the fact that the schemes are only subsequent to the death of the brother of the appellant and there being no such scheme and more so when the appellant was admittedly a minor even at the time of the death of his brother, absolutely there is no enforceable right nor any scheme in force. Therefore, it cannot be said that the case of the appellant has to be considered. Even otherwise in para 2 Clause (1) of G.O.Ms.No.612, dated 30-10-1991 itself contemplates that the cases which came up for consideration earlier need not be reopened. In the above circumstances, we do not find any merits in this appeal.

Accordingly, the writ appeal is dismissed. No costs.

B.PRAKASH RAO, J

G.YETHIRAJULU, J

Dated: 31-08-2005

Hsd